

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

AMY KRAUSS,

Plaintiff,

v.

06-cv-276

OMV MEDICAL, INC,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

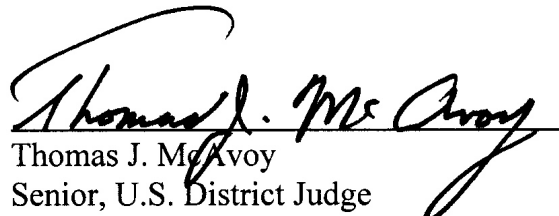
ORDER

____ Upon consideration of the parties' submissions and oral arguments in connection with Defendant OMV's motion to dismiss and in accordance with the Court's decision which was read into the record in open court on Tuesday, June 13, 2006, it is hereby ORDERED that Defendant's motion to dismiss is DENIED in its entirety.

It is further ORDERED that Plaintiff's cross-motion to dismiss and/or remand for lack of subject matter jurisdiction is DENIED with leave to renew upon a showing that OMV is either incorporated, or has its principal place of business, in the State of New York. See 28 U.S.C. § 1332(c)(1). The mere fact that OMV may be licensed or otherwise authorized to do business in New York does not make it a New York citizen for purposes of diversity jurisdiction. See Connors v. Tupperware Worldwide, Inc., 2002 WL 31663508 (W.D.N.Y. 2002); Grady v. Stoeber, 968 F.Supp. 334, 335 (S.D. Tex. 1997).

IT IS SO ORDERED.

Dated: June 16, 2006


Thomas J. McAvoy
Senior, U.S. District Judge